REMARKS

Claims 1-5, 7-9, 10-14, and 17-18 are pending in which claim 10 is currently amended. No new matter is presented. The amendment to claim 10 incorporates subject matter found in claim 1, thereby reducing issues for Appeal. This amendment is not believed to raise new issues requiring further consideration and/or search, and it is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

In the final Office Action mailed April 06, 2004, claims 1-5, 7-8, 10-11, 14, 17-18, and 21-25 were rejected as obvious under 35 U.S.C. § 103 based on *Rangachar* (US 5,495,521), and claim 9, and 12-13 were rejected as obvious under 35 U.S.C. § 103 based on *Rangachar* in view of *McConnell* (US 5,436,957).

As an initial matter, it appears that the Office Action has rejected claims 12 and 13 over the combination of *Rangachar* and *McConnell*, although page 3 of the Office Action only states that claim 9 is rejected on this basis.

On page 5, the Office Action withdrew the allowability of claim 1 because "we feel that the the [sic] last line of claim one is to [sic] broad by reciting '...another database accessible by the local exchange'. The accessing of a database by an [sic] LEC is old in the art and would be obvious to one of ordinary skill in the art." Applicants respectfully note that the Examiner is correct in the first instance to have previously indicated claim 1 as allowable. However, the line of reasoning the Examiner now proffers takes certain claim language in strict isolation and thus places such language out of context with the rest of the claim. The Examiner is reminded that all words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicants respectfully submit that the Examiner's analysis is misguided and reveals a lack of appreciation for the problems being solved by the claimed invention. The Specification, on pages 4-5, notes that CPE-related fraud occurs when a third party gains illegal access to a customer's PBX (Private Branch eXchange) and steals the dial tone to make outgoing calls. "800" numbers are the preferred method of entrance into those PBXs, because even the call hacking into the system is free. The outgoing calls are charged to the CPE owner regardless of the origination of the call. An example of CPE-related "800" number fraud is shown in FIG. 2. The routing of the call from the hacker 200 through the two LECs is the same. The call is routed through IXC switches 31, 32, 33, and 34 before reaching LEC 60, where it hops from LEC switch 64 to LEC switch 62 and lands at the PBX of the hacker's targeted victim. When the "800" number call reaches the PBX 250 of the corporate customer, the hacker 200 dials in the extension of someone the hacker 200 knows isn't there. Because the call goes unanswered, it is forwarded to the voice messaging system (VMS) 252. At this point, the hacker requests a call transfer, by, for example, pressing the "*" and "T" buttons on his phone. In some PBX systems, this activates a call transfer feature which prompts the hacker 200 to enter an extension number followed by the beginning digits of the phone number the hacker wishes to reach, and lastly, the pound sign. The PBX 205, in response to the starting trunk access code digit, selects an outgoing trunk line and dials the first digits. Once the hacker is connected to the trunk line, he dials in the remaining digits. In FIG. 2, the completed telephone number is of a telephone 299 in China. Thus, the call is routed out of the PBX, back through the LEC 60, through IXC switches 34 and 36, and terminates at the telephone 299 in China. As far as the telephone system is concerned, that call is being placed from PBX 250, and not the hacker 200. So the billing records will indicate that the owner of PBX 250 made an expensive long distance call to China, and not the hacker 200.

The Specification, on page 6, further describes that either an LEC or an IXC may discover fraudulent behavior and determine that an ANI should be blocked from calling a special service number. When the determination is made, the information is forwarded to the Bellcore SMS 100. However, it takes a certain period of time for the information to be registered at the Bellcore SMS 100. And, even after being registered at the Bellcore SMS 100, it may take additional time for the information to filter down to the LEC 20, particularly if the LEC 20 maintains its own SMS database. The time difference between discovering fraudulent behavior and registering a blocked ANI can allow a hacker to successfully continue her/his activities.

It is well settled that the problem addressed and solved by a claimed invention must be given consideration in resolving the ultimate legal conclusion of obviousness under 35 U.S.C. § 103. *North American Vaccine, Inc. v. American Cyanamid Co.*, 7 F.3d 1571, 28 USPQ 1333 (Fed. Cir. 1993); *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990); *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 USPQ 1321 (Fed. Cir. 1990); *Jones v. Hardy*, 727 F.2d 1524, 220 USPQ 1021 (Fed. Cir. 1984).

Independent claim 1 recites "storing an originating phone number associated with the call in **a database within an inter-exchange carrier network** if the call is suspicious" and "**providing the suspicious originating phone number to another database accessible by the local exchange carrier network.**"

To reduce issues for Appeal, Applicants have incorporated features found in claim 1 to independent claim 10, which now recites "**a database** for maintaining a record associated with a special service call number," "means for entering an originating phone number into the record, wherein the originating phone number is identified as suspicious" and "means for **providing the suspicious originating phone number to another database accessible by the local exchange carrier network.**"

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To meet the above claimed features, despite the acknowledgement that *Rangachar* fails to teach an "IXC" (Office Action, page 2) the Examiner appears to suggest that the TSN of *Rangachar* can be both the LEC and the IXC, as recited in the claims. However, within the claims, these are two separate elements interact to solve the problem noted above; therefore, the TSN cannot simultaneously be considered a LEC and an IXC. The interrelationship is made clearer by the recitation of two databases, whereby "storing an originating phone number associated with the call in **a database within an inter-exchange carrier network** if the call is suspicious" and "providing the suspicious originating phone number to **another database accessible by the local exchange carrier network.**" Applicants respectfully assert that *Rangachar* fails to teach or suggest the use of two databases accessed by two different carriers, an IXC and a LEC, particularly in the manner claimed.

In fact, the database (i.e., CS1) that the Examiner refers to as one of the claimed database is not a database as one of ordinary skill would understand a database to be. In the *Rangachar* system, a control system CS1 accesses data from the call detail recording platforms (CSRPs) RP1 and RP2 as part of a detection of fraud events. (Col. 2:62-64) The control system CS1 also exchanges data with a fraud intelligence unit F11. (Col. 3:32-33) The fraud intelligence unit F11 stores ANI's from detected fraud events, as well as originating and terminating numbers from detected fraud events. (Col. 3:52-54) The CS1 "accesses the data from the CSRPs and the F11 and matches the accessed data with a set of rules which the control system stores." (Col. 4:6-9) Therefore, the CS1 simply contains rules which define the existence of various levels of fraud events, and cannot constitute a database.

Furthermore, assuming, *arguendo*, that the Examiner can properly equate the CS1 of *Rangachar* to satisfy one of the claimed databases, it is not understood how the claimed "another database" can be met.

The secondary reference of *McConnell*, which is applied for a supposed teaching of a SS7, does not fill in the gaps of *Rangachar*.
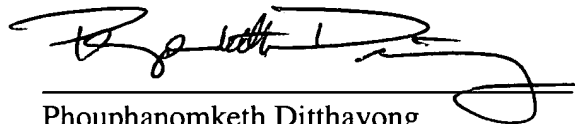
Accordingly, Applicants respectfully request withdrawal of the obviousness rejections.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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